IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

FRIDAY, THE 7TH SEPTEMBER 2007 / 16TH BHADRA 1929

WP(C).No. 22456 of 2007(W)

PETITIONER:

M/S.HARBOUR FISHERIES, THOPPUMPADY,
KOCHI - 682 005, REPRESENTED BY ITS
MANAGING PARTNER, MR.K.P.HASHIM.

BY ADV. SRI.M.N.MATHEW

RESPONDENTS:

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1. KERALA STATE ELECTRICITY BOARD,
REPRESENTED BY THE ASSISTANT EXECUTIVE ENGINEER,
ELECTRICAL MAJOR SECTION, KSE BOARD,
THOPPUMPADY, KOCHI - 682 005.

2. THE CHIEF ELECTRICAL INSPECTOR,
GOVERNMENT OF KERALA,
THIRUVANANTHAPURAM.

3. THE DEPUTY CHIEF ENGINEER,
APTS (HQ), KSEB, VIGILANCE WING,
VYDYUTHI BHAVANAM, PATTOM,
THIRUVANANTHAPURAM - 695 004.

BY ADV. SHRI.P.P.THAJUDEEN, SC, KSEB
ADV. SHRI.P.N.SANTHOSH, GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 07/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) No. 22456/2007

APPENDIX

PETITIONER'S EXHIBITS

P1 : COPY OF THE LETTER DATED 22/05/2000 ISSUED by the 1ST RESPONDENT TO THE PETITIONER.

P2 : COPY OF THE LETTER DATED 23/05/2000 ISSUED BY THE 1ST RESPONDENT TO THE PETITIONER.

P3 : COPY OF THE DEMAND NOTICE CUM DISCONNECTION NOTICE DATED 23/05/2000 ISSUED by the 1ST RESPONDENT to the PETITIONER.

P4 : COPY OF THE JUDGMENT DATED 17/01/2006 IN OP 15168/2000 OF THE HONOURABLE HIGH COURT OF KERALA.

P5 : COPY OF THE APPEAL DATED 07/04/2006 FILED BY THE PETITIONER BEFORE THE 3RD RESPONDENT.

P6 : COPY OF THE WRITTEN STATEMENT DATED 21/04/2007 FILED BY THE PETITIONER BEFORE THE 3RD RESPONDENT.

P7 : COPY OF THE ORDER NO. APTS/BV/462/06/EKM/447 DATED 30/06/2007 ISSUED BY THE 3RD RESPONDENT.

P8 : COPY OF THE BILL NO.A55620000416 DATED 09/07/2007 ISSUED BY THE 1ST RESPONDENT TO THE PETITIONER.

// TRUE COPY //

PA TO JUDGE.

jg

C.N.RAMACHANDRAN NAIR, J.

WP(C) No. 22456 of 2007

Dated, this the 7th day of September, 2007

J U D G M E N T

Petitioner is challenging Ext.P7, whereunder Deputy Chief Engineer has modified the bill raised after noticing that one-third of the consumption was not recorded in the meter. Petitioner's case is that the meter was not sent for inspection by the inspectors for estimation of consumption of power. The Conditions of Supply provide for estimation of power consumption for the period during meter was not working properly by taking into account average consumption after meter was replaced. Since petitioner has a case that the business is not run on a uniform pattern, I direct the 1st respondent to adopt average consumption for one year after replacement of old meter with new electronic meter and adopt the average consumption for the disputed period and recover such amount. The revised demand so issued by the 1st respondent as above will substitute the amount originally billed and confirmed by the 3rd respondent. There will be direction to the 1st respondent to verify 12 months bills raised after installation of electronic meter and adopt average monthly consumption and issue demand from

the petitioner within two weeks from the date of production of a copy of this judgment and one month time should be granted to the petitioner thereafter to make payment.

This writ petition is disposed of as above.

(C.N.RAMACHANDRAN NAIR, JUDGE.)

jg